

LEONARD  
STREET  
AND  
DEINARD

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MINNEAPOLIS, MINNESOTA 55402  
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612-335-1657 FAX

W. KARL HANSEN  
612-335-7088 DIRECT  
KARL.HANSEN@LEONARD.COM



**FILED**

NOV 20 2012

**SURFACE  
TRANSPORTATION BOARD**

November 19, 2012

Hon. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW, Room 100  
Washington, DC 20024

**VIA OVERNIGHT DELIVERY**

**Re: Western Washington Railroad, LLC – Lease and Operation Exemption –  
City of Tacoma, Department of Public Works  
STB Finance Docket No. 35694**

Dear Chief Brown:

Please find enclosed for filing the original and ten copies of the Verified Notice of Exemption pursuant to 49 C.F.R. § 1150.31, and a check in the amount of \$1,800 as the filing fee pursuant to 49 C.F.R. § 1002.2.

Enclosed please find a duplicate copy of this letter and self-addressed stamped envelope to be stamped with the filing date and returned to the undersigned. Please contact me if you have any questions.

Very truly yours,

LEONARD, STREET AND DEINARD

W. Karl Hansen

Enclosures

cc: Toby Van Altvorst

**FEE RECEIVED**

NOV 20 2012

**SURFACE  
TRANSPORTATION BOARD**

**ENTERED  
Office of Proceedings**

NOV 20 2012

**Part of  
Public Record**

*A Professional Association*

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BEFORE THE  
SURFACE TRANSPORTATION BOARD

**FILED**

NOV 20 2012

STB Finance Docket No. 35694

**SURFACE  
TRANSPORTATION BOARD**

WESTERN WASHINGTON RAILROAD, LLC  
-- LEASE AND OPERATION EXEMPTION --  
CITY OF TACOMA, DEPARTMENT OF PUBLIC WORKS

VERIFIED NOTICE OF EXEMPTION

**FEE RECEIVED**

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TRANSPORTATION BOARD**

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Public Record**

WESTERN WASHINGTON RAILROAD, LLC

LEONARD, STREET and DEINARD

Professional Association

W. Karl Hansen

150 South Fifth Street, Suite 2300

Minneapolis, Minnesota 55402

Tel. (612) 335-7088

Fax. (612) 335-1657

Counsel for Western Washington Railroad, LLC

Date: November 19, 2012

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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STB Finance Docket No. 35694

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WESTERN WASHINGTON RAILROAD, LLC  
-- LEASE AND OPERATION EXEMPTION --  
CITY OF TACOMA, DEPARTMENT OF PUBLIC WORKS

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VERIFIED NOTICE OF EXEMPTION

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Western Washington Railroad, LLC ("WWRR"), a Washington limited liability company and non-carrier, files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. §§ 1150.31-1150.34 to lease and operate a line of railroad from the City of Tacoma, Department of Public Works dba Tacoma Rail ("Tacoma Rail").

WWRR submits the following information as required by 49 C.F.R. § 1150.33.

(a) Full name and address of applicant

Western Washington Railroad, LLC  
P.O. Box 6720  
Aloha, OR 97007

(b) Applicant's representative

W. Karl Hansen  
LEONARD, STREET and DEINARD  
Professional Association  
150 South Fifth Street, Suite 2300  
Minneapolis, Minnesota 55402  
(612) 335-7088

(c) Statement regarding agreement

WWRR and Tacoma Rail have entered into a lease and operation agreement dated October 18, 2012.

(d) The operator of the property

WWRR will be the operator of the leased line.

(e) Summary of the proposed transaction

WWRR is non-carrier that will lease and operate 7.6 miles of the rail line owned by Tacoma Rail. Tacoma Rail has retained trackage rights over a portion of the line between Milepost 60 and Blakeslee Junction to allow for interchange with WWRR, BNSF Railway Company, the Puget Sound and Pacific Railroad, and Union Pacific Railroad Company. and also over the entire line for emergency routing.

(1) Name and address of railroad transferring the subject property

City of Tacoma, Department of Public Works  
2601 SR 509 North Frontage Road  
Tacoma, WA 98421

(2) Proposed time schedule for consummation

The parties intend to consummate the transaction immediately after the effective date of this Notice.

(3) Mileposts of the subject property

WWRR will lease and operate the trackage owned by Tacoma Rail between Mileposts 60 and 67.6.

(4) Total route miles being acquired

Approximately 7.6 miles.

(f) A map of the area to be served

A map is attached as Exhibit A.

(g) Certificate that proposed revenues do not exceed those of a Class III carrier

WWRR hereby certifies that this transaction will not result in WWRR becoming a Class I or Class II rail carrier. The projected annual revenues of WWRR will not exceed \$5 million.

(h) Interchange commitments

The lease between WWRR and Tacoma Rail does not contain any provision that prohibits WWRR from interchanging traffic with a third party or that limits WWRR's ability to interchange with a third party.

A caption summary, as required by 49 C.F.R. § 1150.34, is attached as Exhibit B.

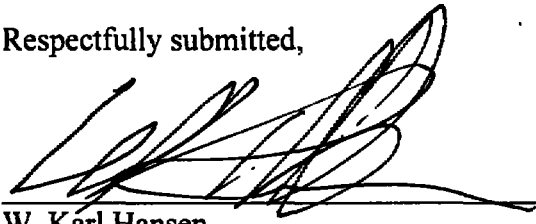
Environmental/Historic Preservation Data pursuant to 49 C.F.R. Part 1105

Under 49 C.F.R. § 1105.6(c)(2)(i), WWRR's lease and operation of the line is exempt from environmental reporting requirements because it will not result in significant changes in carrier operations (*i.e.*, changes which exceed the thresholds established in 49 C.F.R. §§ 1105.7(e)(4) or (5)).

Under 49 C.F.R. § 1105.8(b)(1), WWRR's lease and operation of the line is also exempt from historic preservation reporting requirements. WWRR will lease and operate the line for the purpose of continued rail operations. Further Board approval is required to abandon any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Dated: November 19, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Karl Hansen', written over a horizontal line.

W. Karl Hansen

LEONARD, STREET AND DEINARD

Professional Association

150 South Fifth Street, Suite 2300

Minneapolis, MN 55402

Tel.: (612) 335-7088

Fax: (612) 335-1657

Counsel for Western Washington Railroad, LLC

**VERIFICATION**

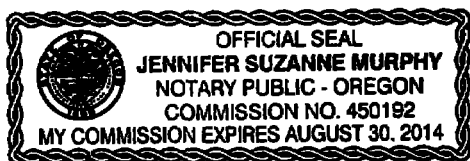
STATE OF OREGON

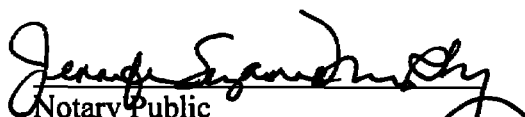
COUNTY OF CROOK

Toby Van Altvorst, being duly sworn, deposes and says that he is the Managing Member of Western Washington Railroad, LLC, that he has read the foregoing Notice of Exemption, and that the contents thereof are true and correct to the best of his knowledge and belief.

  
Toby Van Altvorst

Subscribed and sworn to before me this 15<sup>th</sup> day of November, 2012.



  
Notary Public

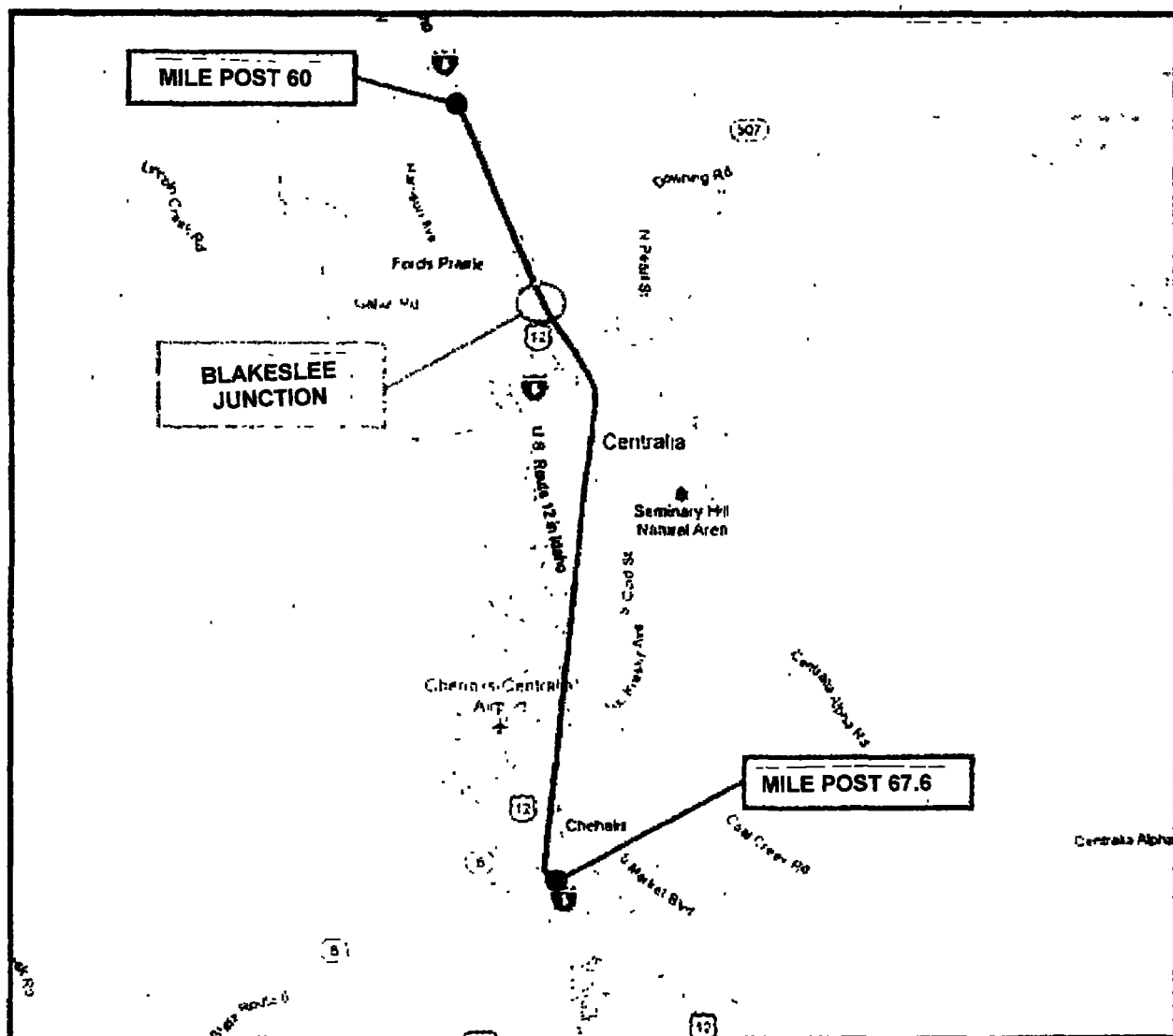
My Commission expires:

Aug 30, 2014

## **EXHIBIT A**

### **Map**





## **EXHIBIT B**

### **Caption Summary**

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION  
FINANCE DOCKET NO. 35694

WESTERN WASHINGTON RAILROAD, LLC  
-- LEASE AND OPERATION EXEMPTION --  
CITY OF TACOMA, DEPARTMENT OF PUBLIC WORKS

Western Washington Railroad, LLC ("WWRR"), a non-carrier, has filed a notice of exemption to lease and operate the City of Tacoma, Department of Public Work's rail line between Milepost 60 and Milepost 67.6 in Lewis County, Washington.

Comments must be filed with the Board and served on W. Karl Hansen, Leonard, Street and Deinard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

This Notice is filed under 49 C.F.R. § 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated:

By the Board,